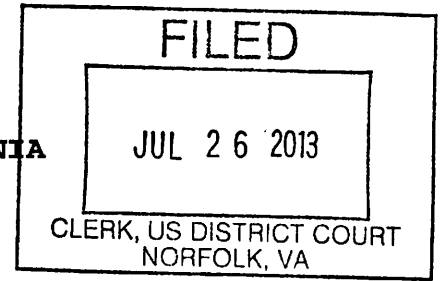


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



ADONAY SWORD YADA AL-ALI FATHER ALLAH,
also known as, Eric M. Cummings and Adonay Sword Yada Al-Ali,
#1063962,

Petitioner,

v.

ACTION NO. 2:12cv549

HAROLD W. CLARKE,
Director of the Virginia
Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violations of federal rights pertaining to Petitioner's conviction for possession with intent to distribute cocaine, on June 25, 2010, in the Circuit Court of the City of Suffolk, as a result of which he was sentenced to serve seven years in the Virginia penal system.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation, filed April 16, 2013, recommends dismissal of the petition because the state courts reasonably

applied the law to each claim. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On April 26, 2013, the Court received Petitioner's Objections to the Report and Recommendation (ECF No. 17). Petitioner's objected to the Report and Recommendation on the grounds that the state courts interpretation of the law was unreasonable.


The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed April 16, 2013. It is, therefore, **ORDERED** that the petition be **DENIED** and **DISMISSED**. It is further **ORDERED** that judgment be entered in favor of Respondent.

Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right, and therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United

States Courthouse, 600 Granby Street, Norfolk, Virginia 23510,
within 30 days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to
Petitioner and counsel of record for Respondent.

/s/
Rebecca Beach Smith
Chief
United States District Judge 

Rebecca Beach Smith
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
July 25, 2013